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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN J. BANK,

Plaintiff(s),

v.

C.W. HOFFMAN,

Defendant(s).

2:13-CV-967 JCM (PAL)

**ORDER**

Presently before the court is Magistrate Judge Leen's report and recommendation that *pro se* plaintiff Steven J. Bank's complaint be dismissed with prejudice. (Doc. # 7). Plaintiff had up to, and including July 29, 2013, to file objections. To date, no objections have been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)©. Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." *Id.*

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district

1 court when reviewing a report and recommendation to which no objects were made); *see also*  
2 *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
4 issue that is not the subject of an objection."). Thus, if there is no objections to a magistrate judge's  
5 recommendation, then this court may accept the recommendation without review. *See, e.g.*,  
6 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation  
7 to which no object was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
10 and the record, the court finds plaintiff's complaint deficient for the reasons stated by the magistrate  
11 judge. The court further finds that the deficiencies in the complaint cannot be cured by amendment.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Leen's  
14 report and recommendation that *pro se* plaintiff Steven Bank's complaint be dismissed with  
15 prejudice (doc. # 7) be, and the same hereby is, ADOPTED in its entirety.

16 IT IS FURTHER ORDERED that the action be, and the same hereby is, DISMISSED with  
17 prejudice.

18 IT IS FURTHER ORDERED that the clerk of the court close the case.

19 DATED August 9, 2013.

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22 UNITED STATES DISTRICT JUDGE